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EXAMINER

ASSOUAD, PATRICK J

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 06/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/814,436

Applicant(s)

BLACKETT ET AL.

Examiner

Patrick J Assouad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-96 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-96 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

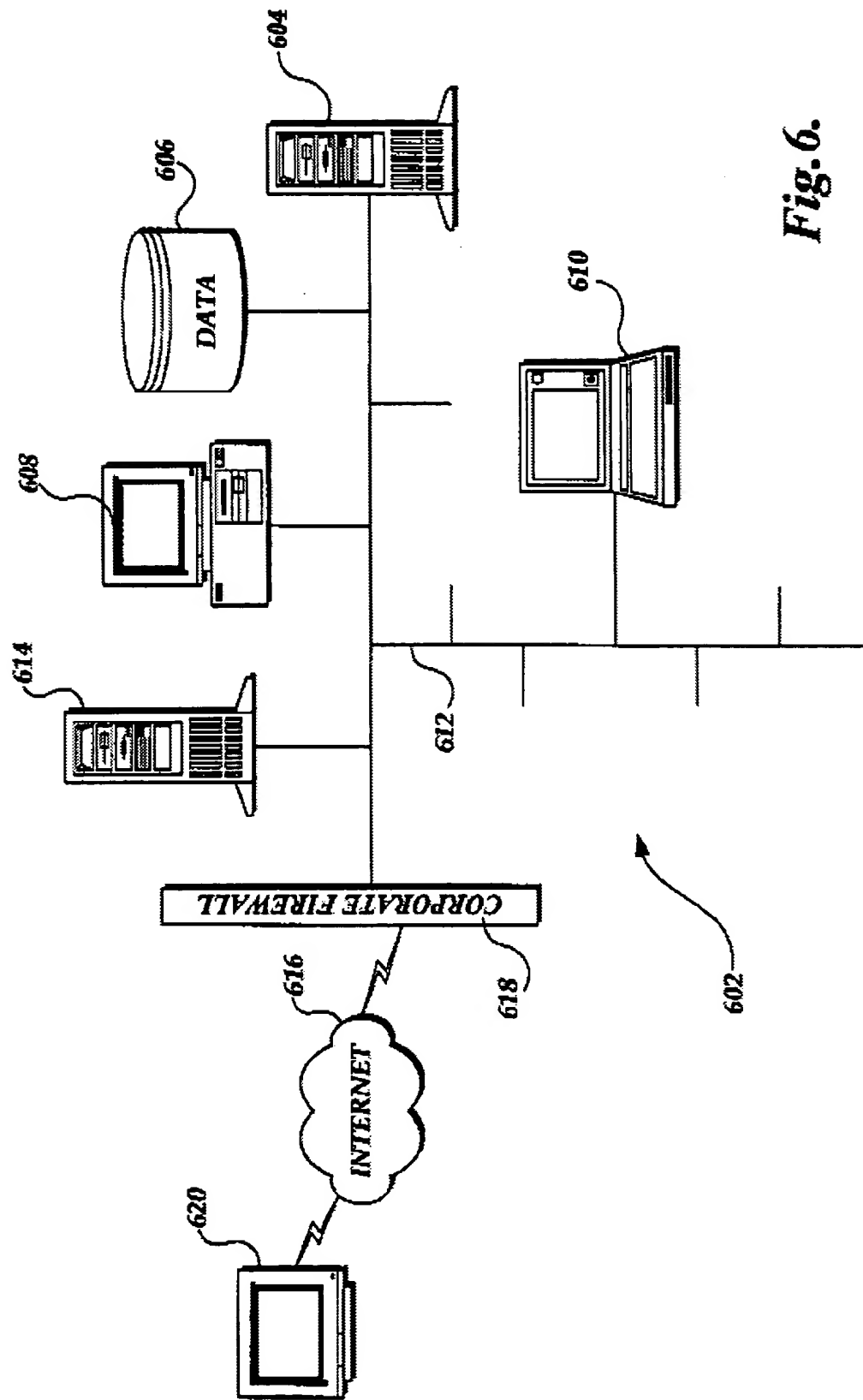
## DETAILED ACTION

### *Response to Amendment*

1. This action is responsive to the Amendments filed 4/28/03 and 6/5/03. Claims 1-96 are pending. New claims 68-96 were added by the aforementioned Amendments.

### *Response to Arguments*

2. Applicant's arguments filed 4/28/03 and 6/5/03 have been fully considered and are only partially persuasive. The rejection of claims 1-67 under 35 USC 102 as being clearly anticipated by either **Peterson et al.** or **Baker et al.** is withdrawn. The rejection of claims 1-67 under 35 USC 102 as being clearly anticipated by **Sumic et al.** ('972) is maintained.
3. Applicant's main argument lies in the following very similar limitations seen in independent claims 1, 34, 51, 53, 54, and 59, respectively: "...initiated by the IED"; or "...initiate communications....via the firewall on behalf of the IED..."; or "...initiate communications of at least one of the electronic mail messages..."; or "...one application operative to punch through a firewall to facilitate said transmission..."; or "...initiating a first communications of the power management data by the at least one IED..."; or "...initiating a first communications of the power management data by the at least one IED..." Thus, the emphasis appears to be on the "initiation" and/or "punching through" a firewall by Applicant's IED.



*Fig. 6.*

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4. Figure 6 of **Sumic et al.** is reproduced above. Note most particularly, the external computer 620, computer network 602, the firewall 618, OMS server computer 604, Internet server 614, and of course, the Internet 616. And from col. 6 of **Sumic et al.**:

System users may subscribe to individual events and to one or more areas of interest in order to customize their access to information from the OMS. Additionally, users may specify that information is either "pushed" or "pulled" from the OMS. When push is specified, the OMS automatically sends information to recipients in response to the processing of events that the recipient subscribes to. When pull is specified, the OMS stores the data until a user requests an information update. A user may specify one or both delivery mechanisms. In particular, a user may specify that a push delivery system is to be used for one set of events or areas of interest and the pull mechanism is to be used for a second set of events and areas of interest. [emphasis added]

5. And from col. 7 of **Sumic et al.**:

Departmental users and company users receive OMS information via a "corporate network." External users receive OMS information via an "external network." The terms "corporate network" and "external network" describe logical networks, and may be implemented by using a variety of communication technologies. The communication technologies, which include hardware, software, and communication protocols, may be different for the corporate network and external network, but the invention does not require that they differ. Some or all of the communication technology implementing the corporate network may be the same or similar to the communication technology implementing the external network. [emphasis added]

6. And finally, from col.8 of **Sumic et al.**:

In a preferred architecture, a "firewall" 618 is logically situated between the Internet server computer 614 and the Internet 616. A firewall provides security to the Internet server computer 614 and all other computers "behind" the firewall. The firewall 618 may comprise one or more computers having security software residing thereon. It may also comprise security software executing on the Internet server computer 614. Firewalls are well known in the art of computer systems, and are discussed herein only as necessary to describe the invention. [emphasis added]

7. With respect to the newly added dependent claims, claims 68-96, Applicant is again claiming a wide variety of known Internet/Intranet communication/transport protocols and layers and formats, security services/modules and firewall(s) and

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encryption, e-mail and instant messaging, etc. These are all admitted by Applicant within his own Specification to be old and well-known in the art, and inherent in **Sumic et al.**, as analyzed below.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-96 are rejected under 35 U.S.C. 102(b,e) as being clearly anticipated by **Sumic et al.**(US 6,259,972 B1).

10. **Sumic et al.** disclose tapping IED data and transmitting the data to a variety of personnel via an Internet/Intranet firewall.

11. The instant claimed invention is an “electrical power management architecture” which is a claimed combination of an “IED,” a “firewall,” and a “network interface.” See at least **Sumic et al.** Fig. 6 and col. 6 for the same combination.

12. It is noted that the Applicant makes many clear admissions of the well-known and widely available Internet/Intranet -related prior art throughout the instant

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Specification. For example, Applicant discusses (and subsequently claims) a wide variety of known Internet/Intranet communication/transport protocols and layers, security services/modules and firewall(s) and encryption, e-mail and instant messaging, etc. A few of these admissions are reproduced as follows:

13. Applicant admits on pg. 37 that:

A firewall is a software program, or combination of software and hardware...that protects the resources of a private network, such as an intranet, from users of other external networks, such as the Internet, coupled with the private network...the firewall restricts outgoing connections to external network entities from the internal user by restricting certain types of protocol connections or data transfers...select standard protocols are enabled for both inbound and outbound communication. Standard communication protocols include FTP, NNTP or instant messaging protocols. It may also include SMTP (port 25) type protocols known in the art or other HTTP (port 80) type protocols. It will be appreciated that firewalls are well known in the art.

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Applicant admits on pgs. 14-15 that:

The network 110 preferably supports application protocols such as telnet, FTP, POP3, SMTP, NNTP, Mime, HTTP, SMTP, SNNP, IMAP proprietary protocols or other network application protocols as are known in the art as well as transport protocols SLIP, PPP, TCP/IP and other transport protocols known in the art.

Furthermore, Applicant admits on pgs. 23-24 that:

Generally, the preferred embodiments are capable of communicating via any network which transmits information utilizing the TCP and IP, collectively TCP/IP, protocols as are known in the art. TCP/IP is essentially the basic communication language of both the Internet and private intranets... It is preferable that one or more of the application components in the application layer 321 implement TCP compatible protocols for the exchange of their communications over the network. Such TCP compatible protocols include the Instant Messaging protocol, file transfer protocol ("FTP"), or Hypertext Transport Protocol ("HTTP").

On pg. 32, Applicant admits that:

For example, traditional data file formats include comma-separated value files (CSV), which contain values in tables as a series of ASCII text strings organized so each column value is separated by a comma from the next column's value.

And finally, Applicant states on pgs. 40-41 that:

SSL is a commonly-used protocol for managing the security of a message transmission... A security module, or security application, includes the aforementioned encryption, authentication and encryption applications.

14. The Examiner submits or contends that all of the aforementioned admissions of the prior art are inherent in **Sumic et al.** because any combination of IED and Internet/Intranet connection through a firewall requires using available well-known communications infrastructure to facilitate proper processing, dissemination and functioning.



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15. With respect to the power management functions or commands or formats, as are claimed, the Examiner submits or contends that **Sumic et al.** is a Supervisory Control and Data Acquisition (SCADA) systems. The components of SCADA systems comprise a SCADA device and one or more remotely connected IEDs. A SCADA device may include a computer-based controller which is used to remotely monitor and/or control the operation of one or more remote IEDs such as relays, meters (e.g. "electrical energy" or "watt-hour meter", as claimed), transducers and the like. Thus, the claimed power management functions or commands or formats are also inherent in **Sumic et al.**

16. With respect to newly added dependent claims 68-96, which variously relate to well-known formats and protocols, such as HTTP, XML, SOAP, XML, SSL, NNTP, FTP, MIME, S-HTTP, IMAP, POP3, IMPAP, CSV, and which some have already been addressed above, see at least Applicant's own admissions of the well-known prior art (above), and also see, for example, pgs. 15-16 of Applicant's instant disclosure:

... Other transfer protocols, such as file transfer protocols (FTP), Simple Object Access Protocol (SOAP), HTTP, XML or other protocols known[n] in the art may also be used in place of electronic mail. Hypertext Transfer Protocol (HTTP) is an application protocol that allows transfer of files to device connected to the network. FTP is a standard internet protocol that allows exchange of files between devices connected on a network. Extensible markup language (XML) is a file format similar to HTML that allows transfer of data on networks. XML is a flexible, self describing, vendor-neutral way to create common information formats and share both the format and the data over the connection....

***Conclusion***

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J Assouad whose telephone number is 703-305-3811. The examiner can normally be reached on Tuesday-Friday, 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 703-308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

A handwritten signature in black ink, appearing to read 'Patrick J Assouad', with a stylized flourish at the end.

Patrick J Assouad  
Primary Examiner  
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pja  
June 25, 2003